IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.138/06

Vimal Kumar Jain **Versus** State & Anr.

DATE OF ORDER :: 29/11/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Rajnish Gupta for Mr. S.K. Gupta, for petitioner
Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed assailing order dated 20th June, 2003 whereby learned trial Judge took cognizance against accused-petitioner for offence u/ss.420, 463 & 471 IPC and the revision petition preferred against the said order was also dismissed vide order dated 20th October, 2004.

Counsel for petitioner submits that he was only the employee of Company on behalf of whom he accepted the money which was duly deposited in the account itself. As such, there was no guilty intention of petitioner to deceive the complainant and even if the money has not been paid after expiry of period of six years, he cannot be atleast made responsible on behalf of Company.

This court does not find any substance to consider the submission at the stage of taking

cognizance against petitioner. Since cognizance has been taken of offence and has been summoned, petitioner will be at liberty to raise all objections at the stage of framing charge.

With the above observation, misc. petition stands disposed of.

[AJAY RASTOGI],J.